

### **REMARKS/ARGUMENTS**

Claims 1-28 are pending in the application. As claims 4-6, 11, 13, 19-21, 26, and 28 were not rejected, these claims are allowable. In light of the following remarks, Applicant believes all the pending claims are now in condition for allowance.

#### **Figures 1-3**

Formal drawings were filed for this patent application on June 1, 2004. Applicant requests to amend Figures 1-3 as shown on the attached sheets in red ink. The label of "PRIOR ART" has been added to the figures so no new matter has been added. Replacement sheets for Figures 1-3 (with the new legend in black ink) are included herewith.

#### **The § 102(b) Rejection of Claims 1-3, 7-10, 12, 14-18, 22-25, and 27**

Claims 1-3, 7-10, 12, 14-18, 22-25, and 27 were rejected under 35 USC § 102(b) as being allegedly anticipated by U.S. Patent No. 5,640,394, issued June 17, 1997 to Schrier et al. (hereinafter "Schrier"). Accordingly, it is being asserted that this reference discloses all the features of the claims. For the following reasons, Applicant respectfully traverses the rejection.

Schrier is generally directed to methods of operating two protocol stacks that implement the same protocol. The reference describes that this situation can occur if the same protocol is implemented in one protocol stack in real mode for MS-DOS and one protocol stack for protected mode of WINDOWS (col. 3, lines 57-63). Schrier describes that a stack manager is unable to differentiate which protocol stack to use if both are loaded at the same time (col. 4, lines 29-34).

The Schrier reference then describes a solution would be to terminate one protocol stack (e.g., the real mode protocol stack) and use the other protocol stack (e.g., the protected mode protocol stack) in its place (col. 4, lines 34- 37). The reference then goes on to state that this solution is tremendously difficult, if not impossible (col. 4, lines 37-41). The Office Action cites these sections of Schrier as anticipating the claimed invention, however, the solution described is not what is recited in the claims.

Claim 1 recites a method of dynamically loading protocol stacks that includes determining whether a first protocol stack can be loaded and unloading a second protocol stack if the first protocol stack cannot be initially loaded. The Office Action cites col. 4, lines 31-37 as disclosing these features.

As described above, the problem that Schrier is addressing in this section is that the stack manager is not able to differentiate between two loaded protocol stacks that implement

the same protocol. Schrier does not describe in this section determining if a first protocol stack can be loaded as is recited in claim 1. In fact, it would appear both protocol stacks are capable of being loaded or there would not be two protocol stacks in Schrier.

Furthermore, Schrier does not describe unloading a second protocol stack if the first protocol stack cannot be initially loaded as recited in claim 1. Instead, Schrier describes unloading one of two loaded protocol stacks so the remaining protocol stack can be identified by the stack manager. For example, the reference describes the real mode protocol stack can be unloaded so that the protected mode protocol stack takes over communication responsibilities for applications using the real mode protocol stack. Even assuming this solution would work, this is not what is recited in claim 1.

As Schrier has not been shown to disclose all the features of claim 1, a prima facie case of anticipation has not been established. As claims 1-3, 7-10, 12, 14-18, 22-25, and 27 all include similar features, these claims are patentably distinct for at least the same reasons.

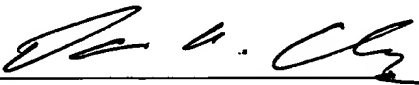
#### Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 694-5339.

Date: 10 Mar. 04

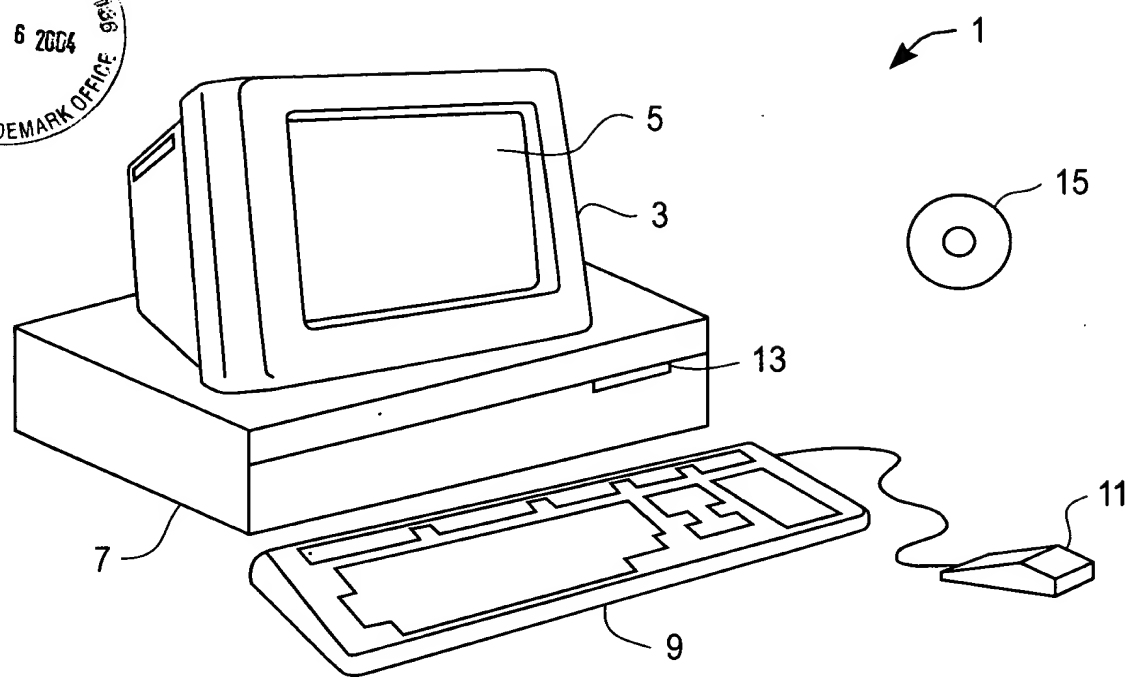
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Respectfully requested,

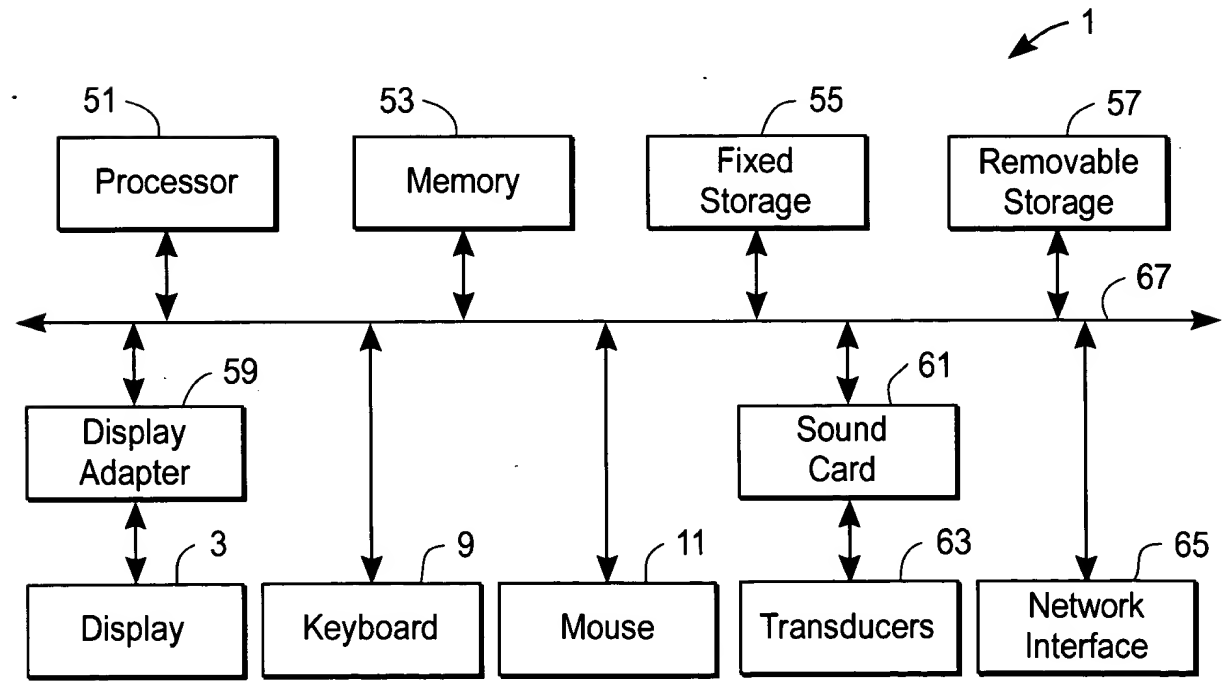
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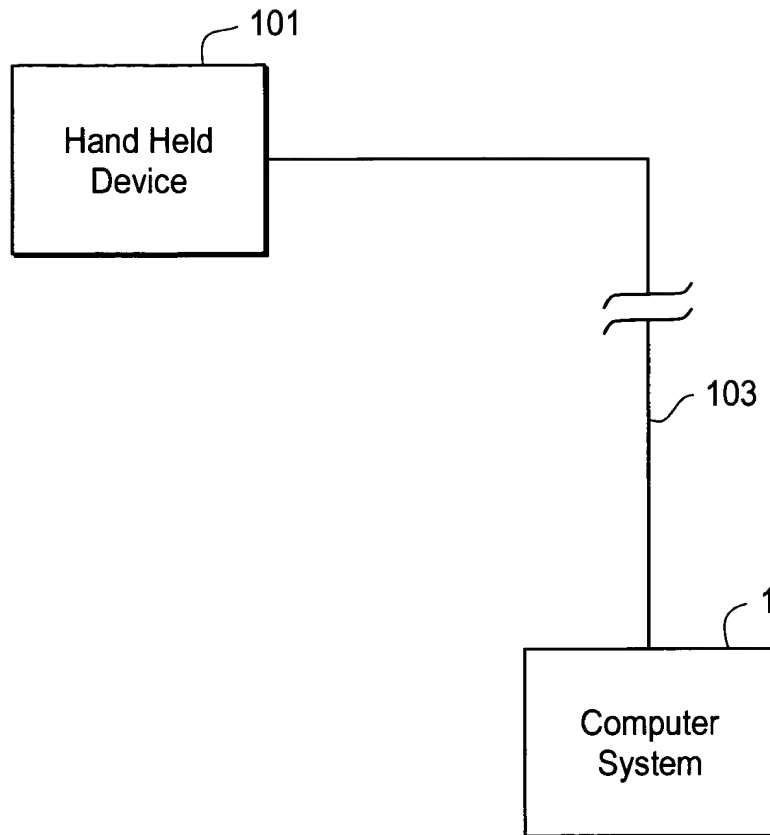
(PRIOR ART)  
FIG. 1



(PRIOR ART)  
FIG. 2



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(PRIOR ART)  
FIG. 3